



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 19/1284

Appeal by Sean and Betty O'Connor and others of Glenanaar House, Ennis Road, Limerick and by Margaret and Ger O'Leary care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 30th day of April, 2020 by Limerick City and County Council to grant subject to conditions a permission to Wychwood Properties Limited care of Healy Partners Architects of The Mill, Glentworth Street, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of existing commercial premises to new use as a Veterinary Clinic at Ennis Road, Caherdavin, Limerick.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the Limerick City Development Plan 2010-2016, to the limited nature, to the proposed change of use, to the planning history of the site and the vacant nature of the unit, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the residential amenities of adjoining properties and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the conclusions of the planning authority and considered that that the proposed veterinary clinic would be capable of operating satisfactorily on an on-going basis without an overnight accommodation facility on-site and considered that it would not seriously injure the residential amenities of the area. Furthermore, the Board was satisfied that the number of existing car parking spaces on the forecourt was acceptable to cater for the needs of the business and would not lead to pressure for overspill car parking. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9th day of April, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Operating hours (on weekdays between 0900 hours and 1900 hours and at the weekend between 0900 hours and 1400 hours, with the option of remaining open until 1900 hours during busy periods or when emergencies necessitate.)

Reason: In the interest of clarity.

3. The proposed shopfront shall be in accordance with the following requirements: -
 - (a) The shopfront shall be down lit only.
 - (b) Any security shutters shall be of roller shutters and shall be factory finished in a single colour to match the colour scheme of the shopfront.

- (c) The roller shutters shall be of the open lattice type and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interest of visual amenity.

- 4. The developer shall take appropriate measures during the construction phase to ensure that no damage is caused to any adjoining property and repaired where necessary at the developer's expense. No rainwater good shall overhang any adjoining property.

Reason: In the interest of the proper planning and sustainable development of the area.

- 5. During the construction phase of the development, the following shall apply:
 - (a) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.
 - (b) No surface water run-off shall be discharged onto public roads, foul sewers or adjacent property.
 - (c) Adequate car parking facilities shall be provided on site for all workers and visitors.

Reason: To protect the residential amenities of the area in the interest of the proper planning and sustainable development of the area.

6. (a) The noise level shall not exceed 55 dB(A) rated (1 hour) sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Friday inclusive and 0800 and 1400 hours on Saturday and shall not exceed 45 dB(A) (15 minutes) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Mechanical machinery systems shall not produce clearly audible tonal noises at night-time (2200 to 0800 hours) when assessed from the nearest noise sensitive location.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. All surface water run-off from roofs, entrances and parking areas within the site shall be collected and disposed of to surface water drainage system and shall be discharged to a public surface water sewer.

Reason: In the interest of public health and to prevent flooding in the interest of traffic safety and amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated..

Reason: In the interest of sustainable waste management.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.